



IF and AF

Application No. 09/644,777

Date: August 4, 2009

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Applicant-Appellant: Roger P. Jackson

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

REPLY BRIEF

This is in response to the Substitute Examiner's Answer mailed July 24, 2009, in this matter. It is noted that the original Examiner's Answer, mailed April 15, 2009, was vacated by the BPAI in an Order Returning Undocketed Appeal to Examiner mailed July 16, 2009.

Following a review of the Supplemental Examiner's Answer mailed July 24, 2009, appellant believes that the statements made in Appellant's Appeal Brief continue to fully apply and that the previously submitted Declarations fully support the contention that Applicant conceived of and reduced to practice with due diligence his claimed invention prior to the effective date of Morrison.

It was indicated in the Appeal Brief that the last Office action failed to indicated any tangible reason why the previously filed declarations failed to provide effective evidence of conception and reduction to practice, other than to state that they did not do so generally.

In the Supplemental Answer on page 6, line 4, it is stated that "Exhibit A fails to show a closure that has a threadform comprising a leading surface having an inner edge and an outer edge and a trailing surface that has an inner edge and an outer edge as the Appellant shows in Fig. 3 of his application". As an applicant is not required to illustrate an embodiment that is exactly the same as a prototype, but rather the best mode of the invention at the time of filing, the argument in the Answer that the drawings are different is not believed to support a rejection of the claim of prior invention. Nevertheless, it is believed

that the earlier drawings and prototypes submitted are quite similar to the drawings of the applicant and, more importantly, do fully support the pending claims. The Supplemental Answer indicates that the surfaces do not have inner and outer edges which is simply not the case. All the original drawings and prototypes, as well as the drawings of the application have surfaces with inner and outer edges. Therefore, the position taken in the Office action and in the Supplemental Answer is believed to be without any support in fact. It is urged that a careful review of the wording of the claims finds full support in each of the drawings and prototype closures that were submitted to support conception and reduction to practice with due diligence prior to the invention of Morrison.

The above comments apply also to the closure of Exhibit K and Exhibit 5, which are also discussed in the same paragraph of the Supplemental Answer as the discussion of Exhibit A. The Supplemental Answer states that the closure of Exhibit 5 on page 61 of the Brief is "structurally different than claimed what is disclosed in the instant application". While this wording is confusing and does not seem to make sense, it is clear that there is no statement made as to why the closure of Exhibit 5 is different than the closure as claimed and Applicant contends that

there is no difference.

It is noted that in general, the claimed invention is directed to a closure with reverse angle threads and this is what is found in the drawings and prototypes shown as Exhibits in the Declarations. The claim language simply defines a closure with a reverse angle threadform.

In summary, it is urged that Applicant's declarations do fully support conception and reduction to practice of the claimed invention prior to the effective date of Morrison.

Respectfully Submitted,

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Roger P. Jackson
(Applicant)

By



August 4, 2009

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